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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,319	01/18/2002	Markus Kraus	TRG-301	8008

7590 06/17/2003  
Lorusso & Loud  
440 Commercial Street  
Boston, MA 02109

EXAMINER
CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/051,319

### Applicant(s)

KRAUS ET AL.

### Examiner

Pedro J. Cuevas

### Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,207,855 to Phillips in view of U.S. Patent No. 3,714,449 to De Bella.

Phillips disclose the construction of a fuel conservation system for multi-cylinder internal combustion gas engines, having a mechanical or hydraulic clutch coupling to the generator and a control device which:

selectively disconnects/reconnects one or more cylinders during operation according to at least one control signal;

determines the number of cylinders to be disconnected according to the amplitude or the chronology of the load change;

electrically or mechanically measures the load change at the generator and triggers a control signal for the cylinder disconnection;

prevents explosions upon cylinder disconnection;

determines both, the number of cylinders to be disconnected according to the amplitude or the chronology of the load change, and the chronology of the disconnection according to the amplitude and/or the chronology of the load change; and

characterized in that:

the control signal, measured at the generator or at the internal combustion engine for cylinder disconnection/reconnection, depends on the load at the generator;

cylinder disconnection takes place at at least one cylinder by disconnecting the respective firing mechanism;

the reconnection of the disconnected cylinders after a certain period of time has elapsed.

However, it fails to disclose the engine driving at least one generator for the production of electric current, having a generator switch for coupling and uncoupling the generator respectively to and from at least one consumer.

De Bella teach the construction of a portable stationary engine-generator power unit with cooling having engine (23) driving at least one generator (22) for the purpose of producing electric current and electric power.

It would have been obvious to one skilled in the art at the time the invention was made to use the fuel conservation system disclosed by Phillips on the portable stationary engine-generator power unit disclosed by De Bella for the purpose of producing electric current and electric power.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,207,855 to Phillips in view of U.S. Patent No. 3,714,449 to De Bella. as applied to claims 1-3 and 5-15 above, and further in view of U.S. Patent No. 4,310,770 to Keener et al.

Phillips in view of De Bella disclose the construction of a fuel conservation system for multi-cylinder internal combustion gas engines as described above.

However, it fails to disclose a generator switch for coupling and uncoupling the generator respectively to and from at least one consumer.

Keener et al. teach the construction of a demand load control having relay switches (18-25) for the purpose of coupling and uncoupling the generator respectively to and from at least one load on a predetermined priority.

It would have been obvious to one skilled in the art at the time the invention was made to use the demand load control disclosed by Keener et al., which are capable of generating signals for the cylinder disconnection of the fuel conservation system for multi-cylinder internal combustion gas engines disclosed by Phillips in view of De Bella for the purpose of coupling and uncoupling the generator respectively to and from at least one load on a predetermined priority.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R. Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas  
June 13, 2003

  
